

1 IN THE UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

3 - - -

4 Cheryl Sheets, :
5 Plaintiff, :
6 vs. : Case No.
7 Sheriff Alex Lape, et al., : 2:21-cv-01810
8 Defendants. :
9 - - -

10 DEPOSITION OF CHERYL SHEETS

11 - - -
12 Wednesday, May 11, 2022
13 10:05 a.m.
14 345 Lincoln Avenue
15 Lancaster, Ohio 43130
16 - - -

17 MARILYN K. MARTIN, RPR

18 REGISTERED PROFESSIONAL REPORTER
19 - - -
20
21
22
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5 and
6

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10 On behalf of the Plaintiff.

11 DANIEL T. DOWNEY, Attorney at Law
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15 On behalf of the Defendants.

16 - - -

17 ALSO PRESENT:

18 Deputy Marty Norris

19 - - -
20
21
22
23
24

WEDNESDAY MORNING SESSION
May 11, 2022
10:05 a.m.

STIPULATIONS

It is stipulated by and between counsel for the respective parties herein that this deposition of CHERYL SHEETS, a Plaintiff herein, called by the Defendants under the statute, may be taken at this time and reduced to writing in stenotypy by the Notary, whose notes may thereafter be transcribed out of the presence of the witness; and that proof of the official character and qualifications of the Notary is waived.

1 P R O C E E D I N G S

2 - - -

3 CHERYL SHEETS,

4 being by me first duly sworn, as hereinafter
5 certified, testifies and says as follows:

6 CROSS-EXAMINATION

7 BY MR. DOWNEY:

8 Q. Ms. Sheets, my name is Dan Downey; and I
9 represent the defendants in this lawsuit. I'm going
10 to ask you a number of questions today regarding what
11 occurred at your residence with the Fairfield County
12 Sheriff's Office. If, at any point, you don't
13 understand one of my questions, I'll ask you to
14 advise me of that. Otherwise, for purposes of the
15 record, we'll accept that you understood the question
16 and answered it accurately. Does that make sense?

17 A. Uh-huh.

18 Q. I'm going to ask you to answer verbally
19 with words so the court reporter can take down what
20 you're saying. Nods of the head and uh-huhs and
21 things like that, although I may understand it --

22 A. They don't count.

23 Q. Yeah. It doesn't translate very well. If
24 you need to take a break for any reason, please let

1 me know or let your attorney know; and we'll go ahead
2 and accomplish that as long as there's not a question
3 outstanding. Okay?

4 A. Uh-huh.

5 Q. Can you state your full name for the
6 record.

7 A. Cheryl Ann sheets.

8 Q. And what's your current residential
9 address?

10 A. 515 Hocking Street, like the river,
11 Apartment B.

12 Q. And how long have you resided there?

13 A. About twelve, thirteen years.

14 Q. And you reside there with anyone
15 currently?

16 A. My boyfriend.

17 Q. Is that Boyd Pierce?

18 A. Yes, it is.

19 Q. And did you reside there with Boyd Pierce
20 back in 2019?

21 THE WITNESS: [Inaudible].

22 MS. SREMACK: You need to answer to them.

23 THE WITNESS: Okay. I just wondered.

24 A. I don't know if there was anyone there.

1 It was off and on.

2 Q. So there was periods of time during that
3 year --

4 A. He'd be gone, and then periods of time he
5 would be there.

6 Q. And did you reside there with anyone else?

7 A. No.

8 Q. And specifically in 2019?

9 A. No. I didn't reside with anybody else.

10 Q. And what's your date of birth?

11 A. 3/23/1955.

12 Q. And you're not currently employed?

13 A. No.

14 Q. And when is the last time you were
15 currently -- you were employed?

16 A. 2000.

17 Q. And you have filed for disability
18 benefits?

19 A. I was on it until this year.

20 Q. Do you remain on Social Security
21 Disability?

22 A. I'm considered full retirement.

23 Q. Did you derive income from any other
24 source from 2000 to the current day?

1 A. Pardon?

2 Q. Did you derive income from any other
3 source other than Social --

4 A. No, sir.

5 Q. And I probably should have told you this
6 one too. Sometimes you're going to know where I'm
7 going with your questions. I'll ask you to permit me
8 to finish before you answer so the court reporter can
9 get it clean.

10 A. Yeah.

11 Q. So I'll start over again.

12 Did you derive income from any other
13 source from 2000 until the current day?

14 A. No.

15 Q. Are you currently under the influence of
16 any drugs or alcohol that could affect your
17 ability --

18 A. No.

19 Q. I'm going to ask you to let me finish.

20 -- that could affect your ability to
21 understand questions or answer them accurately today?

22 A. No.

23 Q. What's your educational background?

24 A. I have some college.

1 Q. Where did you go to high school?

2 A. Lancaster.

3 Q. What year did you graduate?

4 A. 1973.

5 Q. And tell me about your education after
6 high school.

7 A. I went to DeVry online.

8 Q. And what did you study at DeVry?

9 A. Computers.

10 Q. Have you ever been married?

11 A. No.

12 Q. Do you have any children?

13 A. I have a daughter.

14 Q. What's her name and age?

15 A. Her name is time name Clarissa Hunter. I
16 think she's 51.

17 Q. Do you have any contact with her?

18 A. Sometimes.

19 Q. When did you most recently see her?

20 A. I haven't seen her in a while. But we
21 talked on Messenger.

22 Q. And did you put her up for adoption?

23 A. Yes. My parents.

24 Q. Now, it's my understanding that you

1 interacted with officers from the Fairfield County
2 Sheriff's Office at your residence on September 17,
3 2019; is that correct?

4 A. Yes.

5 Q. And is it fair to say that they were there
6 looking for Boyd Pierce?

7 A. Yes.

8 MS. SREMACK: Objection.

9 You may answer.

10 A. Yes.

11 Q. And tell me about your interaction with
12 the officers when they came to your residence.

13 A. I let them in. He was looking around.
14 And he looked in places I didn't think he should, and
15 I questioned it. And then he just went on looking.

16 Q. So let me ask you this. Did you know that
17 there was a warrant out for the arrest of Mr. Pierce?

18 A. Yes.

19 Q. And I'm going to finish it.

20 Did you know that there was a warrant out
21 for the arrest of Mr. Pierce on September 17, 2019,
22 when officers from the Fairfield County Sheriff's
23 Office came to your home?

24 A. Yes.

1 Q. Did you also interact with officers from
2 the Fairfield County Sheriff's Office on the day
3 before?

4 A. Not the day before, no.

5 Q. Were there other times prior to September
6 17, 2019, where representatives of the Fairfield
7 County Sheriff's Office came to your home looking for
8 Boyd Pierce?

9 A. Yes.

10 Q. And how close in proximity to September
11 17, 2019?

12 A. Several months.

13 Q. Okay. And did you know that Mr. Pierce
14 was wanted on a warrant before the officers came to
15 your residence on September 17, 2019?

16 A. Yes.

17 Q. What was he wanted for?

18 A. I'm not really sure.

19 Q. Was Mr. Pierce at your residence when the
20 officers arrived on September 17, 2019?

21 A. No.

22 Q. What time of day did they arrive?

23 A. Early evening.

24 Q. Was anyone else present at your residence

1 when the officers arrived on September 17, 2019?

2 A. Yes. Boyd's cousin.

3 Q. What was his name?

4 A. Jeff Echard.

5 Q. Did you tell the officers when they
6 arrived at your residence that no one was there?

7 A. No.

8 Q. Did you ever indicate to the officers that
9 no one was there?

10 A. No.

11 Q. How much time took place between when the
12 officers came to your door and you let them in?

13 A. I let them -- I let them in right away.

14 Q. So it's your testimony today that you let
15 them in right away?

16 A. Yes.

17 MS. SREMACK: Objection. Asked and
18 answered.

19 You may answer. You must let him finish
20 the question.

21 A. Okay. That's fine.

22 Q. Is that a yes?

23 A. Pardon?

24 Q. The question.

1 A. What was it again?

2 MR. DOWNEY: Can you read it back.

3 (Question read back.)

4 A. Yes.

5 MS. SREMACK: Repeating objection. Asked
6 and answered.

7 You may answer.

8 BY MR. DOWNEY:

9 Q. And so how big is your residence?

10 A. Small.

11 Q. So how many rooms are there?

12 A. Three rooms and a bathroom.

13 Q. And do you know how many square feet that
14 is?

15 A. No.

16 Q. And tell me what the layout is like. Is
17 it a living room, then a hallway? Just explain it to
18 me?

19 A. It's a front room, the kitchen, the
20 bedroom and then the bathroom.

21 Q. Is the bathroom off the bedroom?

22 A. No.

23 Q. The kitchen?

24 A. Yes.

1 Q. Is there a hallway?

2 A. No.

3 Q. Is it open where you can see through the
4 rooms when you come in?

5 A. Yes.

6 Q. Are there any windows where you could see
7 who's at your door before answering it?

8 A. No.

9 Q. How much time elapsed specifically between
10 when you answered the door and Officer Norris walked
11 in your residence?

12 A. Just after I opened the door, he walked
13 in.

14 Q. Had you interacted with Officer Norris in
15 the past?

16 A. No.

17 Q. Do you consider yourself argumentative?

18 A. No.

19 Q. Have you ever argued with a police officer
20 prior to September 17, 2019?

21 A. Yes.

22 Q. Tell me about the time in closest
23 proximity to the date at issue in this case,
24 September 17, 2019?

1 A. Months.

2 Q. Tell me what happened.

3 A. Somebody came and took a car we had
4 supposedly bought, and then a deputy showed up saying
5 that somebody was reporting for yelling. And we have
6 no neighbors, so I don't know who called, except the
7 people that were there and took the car.

8 Q. Just so I understand: Did you argue with
9 the police officer at that time?

10 A. A little.

11 Q. What did you say to the police officer?

12 A. I asked him why he was there and
13 questioning my neighbor.

14 Q. And what did he tell you?

15 A. That someone reported that there was
16 screaming and hollering at the residence.

17 Q. Did you know the name of this officer?

18 A. No. He was black.

19 Q. Do you recall any previous encounter with
20 Officer Norris prior to September 17, 2019?

21 A. No.

22 Q. Had you ever been arrested prior to
23 September 17, 2019, by any representative of the
24 Fairfield County Sheriff's Office?

1 A. No.

2 Q. Had you ever been arrested by any police
3 officer prior to September 17, 2019?

4 A. Yes.

5 Q. What were you arrested for?

6 A. I don't know. I don't remember the
7 charges, but they were dropped.

8 Q. Were you ever arrested at your residence
9 at 515 --

10 A. Hocking Street.

11 Q. -- Hocking Street? Were you ever arrested
12 there prior to September 17, 2019?

13 A. No.

14 Q. Had you ever been present when Mr. Pierce
15 was arrested?

16 A. Yes.

17 Q. When and how many times?

18 A. Twice.

19 Q. Tell me about those instances.

20 A. One time for driving without a license,
21 and then the last time was for the charges that they
22 had on him then.

23 Q. The charges involving --

24 A. Yeah, this last.

1 Q. Has Mr. Pierce been in and out of jail
2 over the last years?

3 A. Not for a long time.

4 Q. How many times has he gone to jail since
5 you've been with him?

6 A. Twice.

7 Q. What does Mr. Pierce do to earn revenue or
8 income?

9 A. He's on Social Security.

10 Q. How old is Mr. Pierce?

11 A. Fifty-one.

12 Q. How did you meet him?

13 A. He was dating a friend.

14 Q. And did you see Mr. Pierce at all on the
15 date September 17, 2019?

16 A. I seen his butt as he was going out the
17 door.

18 Q. Explain that to me, please.

19 A. He was in the bathroom, and I guess he
20 come in and left.

21 Q. And why do you guess that?

22 A. Because I didn't see him.

23 Q. You saw him leave?

24 A. I saw his butt as he was leaving.

1 Q. Was anyone else present when he left?

2 A. Jeffrey Echard.

3 Q. And how close in proximity was

4 Mr. Pierce's departure with respect to the arrival of
5 the Fairfield County officers?

6 A. Several hours.

7 Q. Were there any illicit or illegal drugs at
8 your residence at the time the police officers were
9 given authority by you to enter on September 17,
10 2019?

11 A. Not that I know of.

12 Q. Did any officer physically touch you on
13 September 17, 2019?

14 A. Yes.

15 Q. Do you know who?

16 A. Mr. Pierce -- I mean, Mr. Norris.

17 Q. Any other officers touch you?

18 A. No.

19 Q. Were you upset that Officer Norris was
20 taking too long to conduct his search?

21 A. No.

22 Q. Did you yell or impede Officer Norris'
23 search in any way?

24 A. No.

1 Q. Go ahead and tell me what happened.

2 A. He come in and was searching for Boyd; but
3 he started looking in my cabinets and my personal
4 items, and I questioned why.

5 Q. And so I understand: How much time
6 elapsed between when Officer Norris entered your
7 residence and you expressed displeasure to him about
8 where he was searching?

9 A. About fifteen minutes.

10 Q. Were there any other officers physically
11 within your residence during that time frame?

12 A. There was one with Deputy Norris, and then
13 two others entered in the front room.

14 Q. And it's your testimony today that
15 Officer Norris was searching in the kitchen?

16 A. The whole house.

17 Q. I want to make sure that I pin this down
18 so -- to accurately reflect your testimony. When you
19 first expressed displeasure with his search, was he
20 searching cupboards in your kitchen?

21 A. Yes.

22 Q. Had he searched any other portion of the
23 house prior to that?

24 A. No. He just walked through to the

1 kitchen.

2 Q. What did Officer Norris tell you that he
3 was there to do?

4 A. Arrest Boyd.

5 Q. And did he tell you anything else?

6 A. Yes.

7 Q. What else did he tell you?

8 A. Things about Boyd.

9 Q. What did he tell you about Boyd?

10 A. That he had heard he was smoking meth and
11 allowing other people to come there and do it.

12 Q. That he was what?

13 A. Allowing people to come and smoke meth.

14 Q. At your residence?

15 A. Uh-huh.

16 Q. Has anyone ever smoked meth at your
17 residence?

18 A. No.

19 Q. Have you ever smoked meth?

20 A. No.

21 Q. Have you ever used meth?

22 A. No.

23 Q. Have you ever used illicit drugs?

24 A. 1970s.

1 Q. What drugs did you use in the 1970s?

2 A. Quite a few.

3 Q. Any of them come to mind?

4 A. LSD and Quaaludes and marijuana.

5 Q. When is the last time you used marijuana?

6 A. About a month ago.

7 Q. Do you have a medical card to use
8 marijuana?

9 A. No.

10 MS. SREMACK: You may answer.

11 A. No.

12 Q. How did you get it?

13 MS. SREMACK: Objection. She's going to
14 assert the Fifth. We're going to assert the Fifth on
15 that one.

16 I'm instructing you not to answer.

17 A. I'm doing what my lawyer said.

18 Q. And just so the record is clear: With the
19 exception of marijuana, it's your testimony that
20 you've not used any other illegal drugs from the '70s
21 until the current day; is that correct?

22 A. Yeah.

23 Q. Have you observed Mr. Pierce use illegal
24 drugs at any point during your relationship with him?

1 A. In the past.

2 Q. Correct.

3 A. Uh-huh.

4 Q. Is that yes?

5 A. Yes.

6 Q. When had you most recently observed
7 Mr. Pierce use illegal drugs?

8 A. I'm not sure.

9 Q. What do you do on a typical day?

10 MS. SREMACK: Objection.

11 You may answer.

12 A. I clean the house, take care of my dogs,
13 watch TV.

14 Q. How many dogs do you have?

15 A. Two.

16 Q. How much time elapsed between when
17 Officer Norris entered your residence on September
18 17, 2019, to when he touched you?

19 A. Twenty, twenty-five minutes.

20 Q. And during the time frame that you
21 described, is it your testimony that you were not
22 upset or agitated that Officer Norris was spending so
23 much time searching your house?

24 A. I was irritated.

1 Q. Did you express your irritation with
2 Officer Norris?

3 A. Just about him overstepping the boundaries
4 of his warrant, which I thought was a search warrant.

5 Q. Now, did you ever lay hands on Officer
6 Norris?

7 A. No.

8 Q. Did you get upset and grab at him?

9 A. No.

10 Q. Did you know it's not appropriate to reach
11 out and grab a police officer who is --

12 A. Yes.

13 Q. -- conducting lawful activities?

14 MS. SREMACK: Objection.

15 You may answer.

16 A. Yes, I do.

17 Q. And so you would agree that it would not
18 be appropriate to lay hands on an officer who is
19 attempting to search for a fugitive, correct?

20 MS. SREMACK: Objection.

21 You may answer.

22 A. Yes.

23 Q. And you would agree that Officer Norris
24 had every right to be in your residence after you

1 invited him in, correct?

2 MS. SREMACK: Objection.

3 You may answer.

4 A. Yes.

5 Q. Can you go ahead and tell me how you
6 expressed your agitation with Officer Norris on
7 September 17, 2019.

8 A. I asked for his card.

9 Q. You asked for his card?

10 A. (Witness nods.)

11 Q. What else did you do?

12 A. Asked him why he was searching my personal
13 items.

14 Q. And what specific personal items is it
15 your testimony that he was searching?

16 A. Just the things around the bed that I had.

17 Q. Did you have clothes piled up around the
18 bed?

19 A. No.

20 Q. Did you have any junk or stuff just strewn
21 throughout the house?

22 A. No.

23 Q. Did you have any other entrance points to
24 the house with the exception of the door in the front

1 and in the back?

2 A. No.

3 Q. Now, is it a freestanding structure?

4 A. What's that mean?

5 Q. Is it a house or an apartment with other
6 apartments?

7 A. It's an apartment.

8 Q. So there are other units nearby?

9 A. Just one.

10 Q. Do you share a wall with another unit?

11 A. A wall?

12 Q. Yeah.

13 A. Yes.

14 Q. Is it a duplex?

15 A. Yes.

16 Q. Do you know what I mean by a duplex? A
17 house with basically two apartments that are
18 connected --

19 A. Yeah.

20 Q. -- with a common wall?

21 A. Yes.

22 Q. So is that what it was, a duplex?

23 A. Yes.

24 Q. And was it your testimony earlier that no

1 one resided in the duplex next to you?

2 A. No. There is someone.

3 Q. Okay. Who lived next door?

4 A. Nancy. I can't remember her last name at
5 the moment.

6 Q. Now, would you agree with me that someone
7 who is impeding a lawful search for a fugitive --
8 that someone who is impeding that search would be
9 behaving inappropriately and against the law?

10 MS. SREMACK: Objection.

11 You may answer.

12 A. Yes.

13 Q. And you understand why it's important for
14 law enforcement officers to locate fugitives,
15 correct?

16 A. Yes.

17 Q. Because those folks have arguably
18 committed a crime and may commit more crimes,
19 correct?

20 MS. SREMACK: Objection.

21 You may answer.

22 A. Yes.

23 Q. And would you agree with me that -- Let me
24 ask you this. Was anything disturbed in your house

1 that day?

2 A. No.

3 Q. And was anyone else arrested other than
4 you?

5 A. Jeffrey Echard.

6 Q. Why was Mr. Echard arrested, to your
7 knowledge?

8 A. I don't know. I guess he had a warrant.

9 Q. Do you know why Mr. Echard was arrested?

10 A. No.

11 MS. SREMACK: Objection.

12 You may answer.

13 A. No.

14 Q. And how did you know Mr. Echard again?

15 A. He's Boyd's cousin.

16 Q. Were you friends with him?

17 A. Not really.

18 Q. How long was he there before the officers
19 from the Fairfield County Sheriff's Office arrived on
20 September 17, 2019?

21 A. About three or four days.

22 Q. So he was living with you?

23 A. No.

24 Q. I want to understand.

1 A. He was just waiting on someone to come get
2 him from out of town.

3 Q. But was he staying at your place for three
4 or four days?

5 A. Yes.

6 Q. So did he sleep there?

7 A. Sometimes.

8 Q. Did he bathe there?

9 A. No.

10 Q. Did he take meals there?

11 A. No.

12 Q. Do you know who he was waiting on to pick
13 him up?

14 A. His mother.

15 Q. Do you know where his mother resided?

16 A. On the other side of Logan.

17 MS. SREMACK: What was that last word?

18 THE WITNESS: Logan.

19 BY MR. DOWNEY:

20 Q. Would it be fair to say you didn't have a
21 problem with him staying with you while he was
22 waiting for his mother to pick him up?

23 A. No. I had a problem.

24 Q. Tell me about that.

1 A. I didn't want him there.

2 Q. Why not?

3 A. I didn't know him that long.

4 Q. Did he bring anyone else to your residence
5 during those three or four days?

6 A. Yes.

7 Q. Who else did he bring over?

8 A. Some guy.

9 Q. Do you know who that was?

10 A. No.

11 Q. Did Mr. Echard, to your knowledge, use
12 illegal drugs?

13 A. I don't know.

14 Q. Do you know whether he had any with him or
15 used in your residence?

16 A. No.

17 Q. No, you don't know?

18 A. No, I don't know.

19 Q. Do you know how Mr. Echard derived income?

20 A. No.

21 Q. And how old is Mr. Echard?

22 A. I don't know.

23 Q. Did you know that a warrant was out for
24 Mr. Echard's arrest?

1 A. No.

2 Q. Now, if you would, where -- where were you
3 located in the residence at the time that Officer
4 Norris first laid hands on you?

5 A. The bedroom.

6 Q. And that's in the back of the residence?

7 A. Yes.

8 Q. Was anyone else present?

9 A. His partner.

10 Q. Anybody else?

11 A. No.

12 Q. Did anybody else see what occurred?

13 A. No.

14 Q. Tell me what happened.

15 A. He said I tried to touch him, and I
16 didn't. And I tried to explain to him, and then the
17 next thing I know he slammed me on the bed and
18 twisted my arm until I screamed.

19 Q. Now, where were you standing in proximity
20 to Officer Norris?

21 A. At the head of the bed.

22 Q. And where were you looking?

23 A. At the back door and Mr. Norris.

24 Q. And was your gaze directed right at

1 Officer Norris?

2 A. Not really.

3 Q. Had Officer Norris conducted any search of
4 the bedroom prior to this incident that you
5 described?

6 A. Yes.

7 Q. Tell me what he did.

8 A. He -- That's where my personal items were,
9 and he looked through them.

10 Q. Did you express any concern about Officer
11 Norris searching your bedroom?

12 A. I asked why he was searching my personal
13 items because I didn't think Boyd could fit in them.

14 Q. How big is Mr. Pierce?

15 A. Five-foot-eleven, 210 pounds.

16 Q. Had you previously created any area for
17 Mr. Boyd to hide prior to September 17, 2019?

18 A. No.

19 Q. Had he prepared or created any hiding
20 place prior to September 17, 2019, in the residence
21 that you shared with him?

22 A. No.

23 Q. Was there a basement to the residence?

24 A. No.

1 Q. Is there an attic to the residence?

2 A. No.

3 Q. Go ahead and describe to me what portion
4 of your body first came into contact with Officer
5 Norris at the time that you first touched him.

6 MS. SREMACK: Objection.

7 You may answer.

8 A. I didn't touch him. But he grabbed me by
9 the upper body.

10 Q. And specifically where?

11 A. Like right around here (indicating).

12 Q. So you're saying he grabbed you by the
13 hips?

14 A. Like above it in that area, like right
15 here (indicating).

16 Q. And for purposes of the record, I think
17 you have both hands towards your midsection; is that
18 right?

19 A. Yes.

20 Q. And specifically which hand of Mr. Norris
21 came into contact with your body first?

22 A. Both of them.

23 Q. So it's your testimony that both hands
24 touched you at the same time?

1 A. Yes.

2 Q. Okay. And they touched either side of
3 your body?

4 A. Yes.

5 Q. And then what happened next?

6 A. He slammed me on my bed and got on top of
7 me and twisted my arm until I screamed.

8 Q. Okay. And when you say, "He slammed me on
9 my bed," specifically walk me through that. How did
10 that happen?

11 A. He had a hold of me and just (indicating).

12 Q. Now, which way were you facing when he
13 first laid hands on you?

14 A. I was looking at him.

15 Q. So you were looking away from the bed?

16 A. I was next to the bed.

17 Q. But you're looking at him?

18 A. Uh-huh. Yes.

19 Q. And it's your testimony that he touched
20 either side of you?

21 A. Yes.

22 Q. And then were you turned? Did you twist?
23 Did you move away from him? What occurred?

24 A. I'm not real sure. All I know is he

1 grabbed me.

2 Q. And have you ever experienced any issues
3 with your memory?

4 A. No.

5 Q. Have you ever indicated to any health care
6 practitioner that you have a hard time remembering
7 things?

8 A. No.

9 Q. And I know you take a number of
10 medications for various physical issues or mental
11 health issues, correct?

12 A. Yes.

13 Q. Do any of those medications affect your
14 ability to remember?

15 A. No.

16 Q. What portion of your body first came into
17 contact with the bed?

18 A. My chest.

19 Q. What size bed is it?

20 A. It was a full.

21 Q. Is there a box spring?

22 A. Yes.

23 Q. At any point in time, did you attempt to
24 move away from Officer Norris after he laid hands on

1 you?

2 A. No.

3 Q. At any point in time, prior to Officer
4 Norris laying hands on you, did you move towards him?

5 A. No.

6 Q. Did you ever indicate to him to leave your
7 house immediately?

8 A. No.

9 Q. So if you would -- You're on the bed, is
10 that right, face down?

11 A. Yes.

12 Q. And how is Officer Norris holding you?

13 A. He's on top of my back.

14 Q. What portion of his body is on top of your
15 back?

16 A. I'm not sure.

17 Q. How much time elapsed between when you
18 found yourself on the bed and you were cuffed?

19 A. I wasn't cuffed.

20 Q. How much time elapsed between the time you
21 found yourself on the bed and you experienced
22 discomfort?

23 A. Within minutes.

24 Q. Tell me what you experienced.

1 A. Severe pain in my elbow as he broke it.

2 Q. Which elbow?

3 A. My left.

4 Q. Had you ever experienced any pain or
5 discomfort in your left elbow prior to September 17,
6 2019?

7 A. No.

8 Q. So it's your testimony that you've had no
9 prior issues with that elbow?

10 A. Yes.

11 Q. And you testified that you broke your
12 elbow; is that right?

13 A. He broke my elbow.

14 Q. Your elbow was broken?

15 A. Yeah.

16 Q. Okay. Was your elbow dislocated?

17 A. Yes.

18 Q. Do you distinguish between a dislocation
19 and a break?

20 MS. SREMACK: Objection.

21 You may answer.

22 A. Not really.

23 Q. With the exception of the dislocation of
24 your elbow, did you incur any other physical injury

1 as a result of your interaction with Officer Norris
2 on September 17, 2019?

3 A. No.

4 Q. Did you express that you hurt your elbow
5 to Officer Norris?

6 A. Yes.

7 Q. What happened after you expressed that?

8 A. He started reading me my rights.

9 Q. Did anyone come to assist you with your
10 elbow?

11 A. No.

12 Q. Did any EMTs come?

13 A. Yes.

14 Q. Did you receive medical attention?

15 A. Yes.

16 Q. Tell me about that.

17 A. They took me to the campus. They couldn't
18 do anything there, so they sent me to the older
19 hospital. And they couldn't do anything there, so
20 they sent me to Grant in Columbus.

21 Q. Okay. Just so that I understand: Did
22 anyone come to look at your elbow at your residence?

23 A. No.

24 Q. Where were you transported?

1 A. The campus on Memorial and -- the
2 new -- new hospital.

3 Q. And so what's the name of the campus?

4 A. Lancaster -- I don't know. Fairfield
5 County. I'm not sure. I call it the campus.

6 Q. And I have reviewed your medical records.
7 And just generally, have you ever received medical
8 advice regarding the care for your left elbow
9 following September 17, 2019, that you did not
10 follow?

11 A. No.

12 Q. Were you directed to occupational therapy?

13 A. Yes.

14 Q. Did you complete occupational therapy?

15 A. Yes.

16 Q. Did you miss any appointments?

17 A. One.

18 Q. Do you currently have hardware in your
19 elbow?

20 A. Yes.

21 Q. Were you ever advised to have the hardware
22 removed?

23 A. If I wanted.

24 Q. Do you currently experience any discomfort

1 in your left elbow?

2 A. Yes.

3 Q. Describe that to me.

4 A. Pain. Pain.

5 Q. And I want to get an understanding for it.

6 Is it a continuous pain? Is it something that acts
7 up occasionally? Please explain.

8 A. It's continuous throughout my arm.

9 Q. And just so I understand: Are you saying
10 that the pain originates in your elbow and moves down
11 or up your arm?

12 A. Yes.

13 Q. Please describe that to me.

14 A. When it goes down this way, it does a
15 severe burn right there; and when it goes up this
16 way, it makes a severe pain in my shoulder where I
17 can hardly use it.

18 Q. So it's clear for the record, you pointed
19 to both your lower arm and your upper arm during that
20 testimony?

21 A. Yes.

22 Q. And is there ever a time when you don't
23 experience discomfort in your left elbow or arm area?

24 A. Occasionally.

1 Q. What are some of the things that you like
2 to do for fun?

3 A. Play with my dogs.

4 Q. Is there anything that you are unable to
5 do today that you were unable to do prior to
6 September 17, 2019?

7 A. Snap my bra on and off.

8 Q. I'm sorry. I didn't understand you.

9 A. Snap my bra on and off, scratch my back,
10 reach long distances, holding a leash for my dogs,
11 reach above my head very far. Can't wash my back,
12 and I can't lift anything heavy.

13 Q. Are you right hand dominant?

14 A. Not really. I can use both.

15 Q. Are you right handed?

16 A. Yes.

17 Q. Now, I've read in your records that you've
18 had four longtime relationships in your adult life;
19 is that accurate?

20 A. Yes.

21 Q. Have you ever had a healthy relationship
22 with a male?

23 MS. SREMACK: Objection.

24 You may answer.

1 A. Yes.

2 Q. Tell me about it.

3 A. Basically with Boyd it's healthy.

4 Q. Has Boyd Pierce ever been physically
5 abusive to you?

6 A. No.

7 Q. Have any of the other gentlemen that
8 you've had relationships with been physically abusive
9 to you?

10 A. Yes.

11 Q. Have you experienced -- have you
12 experienced any mental health issues as a result of
13 the physical nature of some of your relationships
14 prior to being with Mr. Pierce?

15 A. PTSD.

16 Q. Would you describe to me what it is and
17 how you got it.

18 A. The man I was with at first spent eight
19 years beating me, shooting at me, having me at places
20 where there was shootouts and blocked me in places.

21 Q. And during what time frame did this occur?

22 A. Back in the '70s.

23 Q. Now, would it be fair to say that you've
24 received mental health treatment prior to September

1 17, 2019?

2 A. Yes.

3 Q. And you've been diagnosed with depression,
4 anxiety, borderline personality disorder and bipolar
5 disorder prior to that date, correct?

6 A. And PTSD, yes.

7 Q. And PTSD. And were there any other
8 diagnoses that I missed?

9 A. No.

10 Q. And at various times over the years,
11 you've treated with various health care practitioners
12 for your mental health issues, correct?

13 A. Yes.

14 Q. And the basis of your Social Security
15 filings have been rooted in the mental health
16 challenges that you confront, correct?

17 A. Yes.

18 Q. And you have been hospitalized at times in
19 the past because of your mental health challenges?

20 A. Once.

21 Q. Have there been more than one occasion
22 where you've been hospitalized?

23 A. No.

24 Q. And there are times in the past where you

1 have contemplated suicide; is that correct?

2 MS. SREMACK: Objection.

3 You may answer.

4 A. In my teens.

5 Q. And currently, at least based on the
6 records that I've reviewed that are more current,
7 recent in nature, you've indicated that you're more
8 likely to be homicidal than suicidal; is that
9 correct?

10 A. It's a joke. But, yeah. I say that.

11 Q. You said that in your mental health
12 meeting with a health care practitioner, correct?

13 A. Yes.

14 Q. You've also done things like cut yourself
15 in the past; is that right?

16 A. Thirteen. At thirteen.

17 Q. Okay. Have you done any of that in the
18 last three years?

19 A. No.

20 Q. Would you say that your mental health, as
21 we currently sit here, is in better shape than it was
22 back when you were hospitalized, cutting yourself or
23 suicidal?

24 A. Yes.

1 Q. Have you received any benefit from the
2 mental health that you've undergone in the last
3 couple years?

4 A. No.

5 Q. Have you pursued any mental health
6 treatment related directly to the incidents that
7 occurred on September 17, 2019?

8 A. I was already under -- under people, and I
9 did express very -- because it really upset me, and
10 it put my PTSD into high gear.

11 Q. Are you easily upset?

12 A. Not really.

13 Q. Have you had difficulty creating or
14 maintaining relationships with others?

15 A. No.

16 Q. Have you had difficulty maintaining
17 relationships with family members?

18 A. Yes.

19 Q. Tell me about that.

20 A. After my grandma died, they just -- my mom
21 and my grandma died, they just quit talking to me.

22 Q. And who are "they"?

23 A. My family.

24 Q. Do you know why?

1 A. No.

2 Q. Have you examined your behaviors to
3 determine whether or not they played a role in these
4 folks not communicating with you?

5 A. My medications, I guess how they made me
6 react.

7 Q. And what medications do you currently
8 take?

9 A. Lamictal.

10 Q. Is there anything else?

11 A. I take for my heart, my lungs, for my
12 thyroid, for my stomach, for my cholesterol and my
13 stomach, you know, reflux.

14 Q. Have you expressed to any of your health
15 care practitioners your hope to make money on this
16 case?

17 A. No.

18 Q. Have you ever expressed that you're
19 waiting on making money on this case to a health care
20 practitioner?

21 A. No.

22 Q. Just so I'm clear: You were transported
23 on September 17, 2019, from your residence to the
24 hospital?

1 A. The campus, yes.

2 Q. To the campus. How long were you there?

3 A. I don't know. They put me -- They knocked
4 me out, and they couldn't do nothing. I don't know
5 how long a time it was.

6 Q. Were you there overnight?

7 A. No.

8 Q. Were you still in custody while you were
9 there?

10 A. I guess, yeah.

11 Q. Was there an officer there with you?

12 A. His partner.

13 Q. And what time did you leave the hospital?

14 A. I'm not sure.

15 Q. Where did you go after being at the
16 hospital?

17 A. To the old hospital.

18 Q. So you went to another hospital that very
19 night?

20 A. Yes.

21 Q. And who else was present with you?

22 A. Just myself.

23 Q. Did you go on your own?

24 A. No. The ambulance took me.

1 Q. Were any officers with you?

2 A. No. But they were there.

3 Q. Okay. Were you ever brought to the
4 Fairfield County jail?

5 A. No.

6 Q. Did you ever spend any time in the
7 Fairfield County jail as a result of the events that
8 occurred on September 17, 2019?

9 A. No.

10 Q. Did you end up pleading guilty to a
11 misdemeanor?

12 A. Yes.

13 Q. What did you plead guilty to?

14 A. Falsification.

15 Q. And what is your understanding of
16 falsification?

17 MS. SREMACK: Objection.

18 You may answer.

19 A. That I gave the wrong answer on a
20 question.

21 Q. And do you recall which question that
22 would be?

23 A. I guess if he had been there. But I
24 didn't hear it.

1 Q. Did you have an attorney?

2 A. Yes.

3 Q. Who was your attorney for the criminal
4 matter?

5 A. Dye.

6 Q. I'm sorry?

7 A. Dye, D-Y-E.

8 Q. Is that a first name or last name?

9 A. Last name.

10 Q. So after the second hospital, did you go
11 home?

12 A. No.

13 Q. Where did you go?

14 A. Grant in Columbus.

15 Q. How long were you at Grant?

16 A. Until like 3:00 or 4:00 in the morning.

17 Q. And what services did they provide to you
18 at Grant?

19 A. They popped my arm so they could put it
20 back even, inline.

21 Q. So essentially did they try to pop the
22 dislocation back into the elbow?

23 A. Yes.

24 Q. Into the joint?

1 A. Yes.

2 Q. And did they give you a splint so as to
3 stabilize the elbow?

4 A. No.

5 Q. Did anybody give you a splint during the
6 three hospitals that you visited that night?

7 A. No.

8 Q. What were your instructions upon leaving
9 Grant?

10 A. To see an orthopedic surgeon.

11 Q. And just so I'm clear: They didn't give
12 you anything to put your arm in a splint there?

13 A. Just a sling.

14 Q. So you had a sling; is that right?

15 A. Yes.

16 Q. And did the sling go up around your neck
17 and underneath your arm?

18 A. Yes.

19 Q. And were you required to use that sling
20 until you were able to follow up with an orthopedic
21 doctor?

22 A. No.

23 Q. What was your understanding of what the
24 purpose of the sling was?

1 MS. SREMACK: Objection.

2 You may answer.

3 A. Just to cradle it so I didn't have to
4 worry about it going down and popping out again.

5 Q. Did any health care practitioner at any of
6 those three places that you visited on September 17
7 and 18, 2019, advise you not to use your left arm
8 until you came into contact with an orthopedic
9 surgeon?

10 A. When I went back the 18th, they put a
11 splint on it.

12 Q. And just specifically I'm asking for that
13 period when you were at the hospital and then you
14 were released.

15 A. It was at least the same night at 3:00 or
16 4:00 in the morning.

17 Q. Okay. So are you saying that you went
18 back to another health care practitioner on the 19th?

19 A. Yeah. The emergency room.

20 Q. And then you got a splint?

21 A. Yes.

22 Q. Were you told to use that splint?

23 A. Until I saw my -- an orthopedic surgeon.

24 Q. And what was your understanding as to what

1 you were to do to care for your arm in the interim
2 between getting the splint and seeing an orthopedic
3 surgeon?

4 A. Do nothing.

5 Q. Do you smoke?

6 A. No.

7 Q. Have you ever smoked?

8 A. Yes.

9 Q. How much did you smoke during that time
10 frame?

11 A. Two packs.

12 Q. From when to when?

13 A. I don't know. From -- Altogether 18
14 years, but I quit in 1988.

15 Q. Are you currently or have you ever been
16 under any dietary restrictions?

17 A. No.

18 Q. Has any health care practitioner advised
19 you not to use illegal drugs?

20 A. Yeah.

21 Q. Who has advised you of that and why?

22 A. All of them.

23 MS. SREMACK: Objection.

24 You may answer.

1 A. All of them.

2 Q. Has any health care practitioner advised
3 you that the use of the illegal drugs could affect
4 the recovery of your left elbow?

5 A. Nothing was mentioned then.

6 MR. DOWNEY: We're just going to take a
7 brief break.

8 (Recess taken.)

9 MR. DOWNEY: Let's go back on the record.
10 I just have a few more questions for you today,
11 ma'am.

12 BY MR. DOWNEY:

13 Q. In your records, there are notes that
14 you've had blackouts due to temper in the past. Can
15 you describe that to me or what you were talking
16 about there.

17 A. It's been a long time. But they were
18 situations where people literally kind of backed me
19 into a corner, and so I had to defend myself. But
20 it's been a long time, long time.

21 Q. And would you black out in those
22 instances?

23 A. I don't anymore.

24 Q. But just so I understand: When is the

1 last time one of these instances occurred?

2 A. Ten years ago.

3 Q. And did you black out because -- Why did
4 you black out? Do you know?

5 A. My girlfriend attacked me.

6 Q. And who is that?

7 A. Her name was Cindy Cleary. She's dead
8 now.

9 Q. And she attacked you. What happened?

10 A. We got in a physical fight.

11 Q. And did -- Was law enforcement contacted?

12 A. No.

13 Q. Did you black out?

14 A. I think so.

15 Q. Do you remember the fight at all?

16 A. I remember her hitting me. Then I
17 remember her saying she had enough. And I was on top
18 of her, and so I quit.

19 Q. And why did you -- Why would you describe
20 that as a blackout situation?

21 A. Because I don't remember anything from the
22 time she hit me to the time she said, "I'm done."

23 Q. Any other instances that come to mind
24 where that's occurred?

1 A. Years ago when I was with my first old
2 man.

3 Q. Go ahead and describe to me what occurred.

4 A. He used to beat on me. And so when he'd
5 beat me so much, I'd fight back.

6 Q. And when did this occur?

7 A. In the '70s and the early '80s.

8 Q. What was the name of this gentleman?

9 A. James Logan.

10 Q. When is the last time you saw him?

11 A. Fourteen years ago.

12 Q. Is he still alive?

13 A. Yes.

14 Q. He ever apologize for his behaviors?

15 A. Once.

16 Q. Was this gentleman in a motorcycle gang?

17 A. Yes.

18 Q. Was he a violent individual?

19 A. Yes.

20 Q. Going back to September 17, 2019, did you
21 ever indicate to anyone that you fell into Officer
22 Norris prior to him laying hands on you?

23 A. No.

24 Q. Have you ever said those words?

1 A. No.

2 Q. Did you ever explain that to anyone?

3 A. No.

4 MS. SREMACK: Objection.

5 You may answer.

6 A. No.

7 Q. Have you been truthful and honest to all
8 the health care practitioners you've worked with over
9 the years?

10 A. Yes.

11 Q. Now, you've got two dogs; is that right?

12 A. Yes.

13 Q. Did you have any dogs on September 17,
14 2019?

15 A. One.

16 Q. Okay. Do you still have that dog?

17 A. Yes.

18 Q. What kind of dog is it?

19 A. American bully and pit bull.

20 Q. Has that dog ever bit anyone?

21 A. No.

22 Q. Is the dog dangerous in any way?

23 A. No.

24 Q. If you would, where was the dog at the

1 time that Officer Norris entered your residence on
2 September 17, 2019?

3 A. Locked in a cage in the closet.

4 Q. Did you lock the dog in the cage prior to
5 Officer Norris getting there?

6 A. When he knocked, yeah, I put her in.

7 Q. So when you knew Officer Norris was at the
8 door, that's when you went and you put the dog in the
9 crate?

10 A. Yeah.

11 Q. Where is the crate located?

12 A. In the bedroom in the closet.

13 Q. So does the closet have doors on it?

14 A. One, but it's folded open.

15 Q. So is the door kept open all the time?

16 A. Yes.

17 Q. And the crate -- The dog would have been
18 in the closet in the crate?

19 A. Yes.

20 Q. How big is this dog?

21 A. Then she was only about 50 pounds. Now
22 she's 80.

23 Q. Sounds like she's going the same direction
24 as me.

1 And so how much time did it take you to
2 track down the dog, put it in the crate and then go
3 back to the door to let Officer -- let the officer
4 in?

5 A. She's voice commanded. Right away.

6 Q. Excuse me?

7 A. She's voice commanded, so she went right
8 away.

9 Q. Is she able to put herself in the crate?

10 A. She walked in, but I locked it.

11 Q. Okay. So how much time took place between
12 when you first gave the command to your dog, put her
13 in the crate and then went back to the door to let in
14 Officer Norris?

15 A. She went right in, and then I answered the
16 door.

17 Q. And just so I understand: There had to be
18 a period of time for you to, like, walk back to the
19 bedroom and fix the crate.

20 A. Maybe five minutes at the most.

21 Q. And so the dog was there in the bedroom
22 the whole time?

23 A. Yes.

24 Q. Just give me another minute or two. I

1 promise it won't by seven hours.

2 MR. DOWNEY: Off the record.

3 (Discussion held off the record.)

4 MR. DOWNEY: Back on the record.

5 BY MR. DOWNEY:

6 Q. Briefly, ma'am, do you currently
7 experience any financial distress?

8 A. No.

9 Q. Have you experienced any financial
10 distress in the last three years?

11 A. Yes.

12 Q. Describe that to me.

13 A. Well, I pay all my bills, but I'm always
14 broke. I can't do nothing else.

15 Q. And has that abated?

16 A. Pardon?

17 Q. Has that stopped, the financial distress?

18 A. Yeah.

19 MR. DOWNEY: I have no additional
20 questions for you today, ma'am. Thank you for your
21 time.

22 (Signature not waived.)

23 - - -

24 And, thereupon, the deposition was

1 concluded at approximately 11:16 a.m.

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1 State of Ohio :
2 County of Franklin:
SS:

3 I, CHERYL SHEETS, do hereby certify that I
4 have read the foregoing transcript of my deposition
5 given on May 11, 2022; that together with the
6 correction page attached hereto noting changes in
7 form or substance, if any, it is true and correct.

8
9
10 CHERYL SHEETS

11 I do hereby certify that the foregoing
12 transcript of the deposition of CHERYL SHEETS was
13 submitted to the witness for reading and signing;
14 that after she had stated to the undersigned Notary
15 Public that she had read and examined her deposition,
16 she signed the same in my presence on the

17 _____ day of _____, _____.
18 _____
19
20 Notary Public

21 My commission expires _____
22 - - -
23
24

1 CERTIFICATE

2 State of Ohio :

2 SS:

3 County of Franklin:

4 I, Marilyn K. Martin, Notary Public in and
5 for the State of Ohio, duly commissioned and
6 qualified, certify that the within named witness was
7 by me duly sworn to testify to the whole truth in the
8 cause aforesaid; that the testimony was taken down by
9 me in stenotypy in the presence of said witness,
10 afterwards transcribed upon a computer; that the
11 foregoing is a true and correct transcript of the
12 testimony given by said witness taken at the time and
place in the foregoing caption specified.

13 I certify that I am not a relative,
14 employee, or attorney of any of the parties hereto,
15 or of any attorney or counsel employed by the
16 parties, or financially interested in the action.

17 IN WITNESS WHEREOF, I have set my hand and
18 affixed my seal of office at Columbus, Ohio, on this
19 25th day of May, 2022.

20 
21

22 MARYLYN K. MARTIN

23 Notary Public in and for the State of Ohio
and Registered Professional Reporter.

24 My Commission Expires October 16, 2026.

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